

### **REMARKS**

By this amendment, no claims have been amended, added, or cancelled. Hence, Claims 1-5, 7-11, and 14-37, and 39-49 are pending in the application.

### **CHANGE TO THE ATTORNEY DOCKET NUMBER REQUESTED**

Applicant respectfully requests the Attorney Docket Number be changed from “007.238.01” to “50277-1961”.

### **SUMMARY OF THE REJECTIONS**

Claims 1-5, 39-41, and 47 have been rejected under 35 USC § 103(a) as allegedly being anticipated by U.S. Patent 6,098,098 issued to Sandahl et al. (“*Sandahl*”) in view of U.S. Patent Application 2002/0178380 by to Wolf et al. (“*Wolf*”).

Claims 7-11, 42-46, and 48-49 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over *Sandahl* in view of *Wolf* in view of U.S. Patent 6,847,993 issued to Novaes et al. (“*Novaes*”).

Claims 14-18, 20-23, and 25 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over *Sandahl* in view of *Wolf* in view of *Novaes* in view of U.S. Patent 6,917,929 issued to Teloh et al. (“*Teloh*”).

Claims 19 and 24 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over *Sandahl* in view of *Wolf* in view of *Novaes* in view of *Teloh* in view of U.S. Patent 6,834,298 issued to Singer et al. (“*Singer*”).

Claims 26-30, 32-33, 35, and 37 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over *Sandahl* in view of *Wolf* in view of *Teloh*.

Claims 31, 34, and 36 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over *Sandahl* in view of *Wolf* in view of *Teloh* in view of *Singer*.

The rejections are respectfully traversed.

### **THE PENDING CLAIMS ARE PATENTABLE OVER THE CITED ART**

Even if the cited art were to be properly combined, the resulting combination would still fail to disclose, teach, or suggest at least one element featured in each pending claim.

#### Claim 1

Claim 1 recites the following features:

A system for actively managing configurable components, comprising:  
a plurality of components, each component storing a configuration comprising a set of configuration parameters;  
a repository that stores information about a configuration policy;  
**a server configured to (a) register each of the plurality of components, (b) perform dynamic probing operations to identify configuration changes made to the configuration of each of the plurality of components, and (c) validate identified configuration changes against the configuration policy to determine whether the configuration changes conform to the configuration policy (emphasis added).**

At least the above-bolded features of Claim 1 are not disclosed, taught, or suggested by *Sandahl* or *Wolf*, either individually or in combination.

Claim 1 is directed towards a system for actively managing configurable components. The system of Claim 1 includes a plurality of components that each store a configuration comprising a set of configuration parameters. The system of Claim 1 further includes a repository that stores information about a configuration policy. The system of Claim 1 also includes a server. The server is configured to register each of the plurality of components and perform dynamic probing operations to identify configuration changes made to the configuration

of each of the plurality of components. The server is also configured to validate identified configuration changes against the configuration policy to determine whether the configuration changes conform to the configuration policy.

The server featured in Claim 1 does not validate the configuration of each of the plurality of components against the information about a configuration policy stored at the repository. Instead, the server featured in Claim 1 validates identified configuration changes made to the configuration of each of the components against the configuration policy to determine whether the configuration changes conform to the configuration policy.

While approach of *Sandahl* is directed towards a system for managing the configuration of multiple computer devices over a network, *Sandahl* does not teach or suggest validating configuration changes against a configuration policy. In *Sandahl*, a file server is connectable to computer devices via the network. Each of the computer devices periodically connects to the file server to allow a determination to be made as to whether the configuration of the computer device has changed. When the configuration of a particular computer device has changed, a system operator reviews the changes made to the configuration of the particular device. If the system operation accepts the changes, then information at the file server is updated to reflect the new changes made to the configuration of the particular device. On the other hand, if the system operation rejects the changes, the particular device will determine that the changes have been rejected when the particular device subsequently communicates with the file server. Thus, to the extent the decision to reject is based on a policy, that policy is merely the ideas in the mind of the human operator. As a result of determining that the changes to the configuration of the particular device have been rejected, the particular device will request a prior configuration of the particular device from the file server. The particular device will revert to the prior configuration

once the particular device receives the prior configuration from the file server. (See abstract; Col. 8, line 45 – Col. 9, line 3).

Importantly, in the approach of *Sandahl*, a system operator reviews any changes made to the configuration of a computer device to determine whether the change to the configuration is approved or rejected. As a result, *Sandahl* lacks any teaching or suggestion of a configuration policy that is more than a mental process. Indeed, the Office Action does not rely upon *Sandahl* to show any element featuring a configuration policy, and acknowledges, “*Sandahl* does not explicitly teach of the remaining limitations.” Thus, *Sandahl* cannot possibly disclose, teach, or suggest the element of “a server configured to ... (c) validate identified configuration changes against the configuration policy to determine whether the configuration changes conform to the configuration policy” featured in Claim 1.

In acknowledging the deficiencies of *Sandahl*, the Office Action relies upon *Wolf* to show any and all elements of Claim 1 featuring a configuration policy. However, as explained below, *Wolf* does not teach or suggest identifying or validating configuration **changes** made to a configuration of a component. Rather, *Wolf* attempts to validate the entire current configuration of managed devices. Specifically, in *Wolf*, a policy engine 60 generates a set of “configlets,” based on policies. This set of configlets (“the policy configlets”) are compared against another set of configlets (“the current configuration configlets”) that represent the current configuration of a device to determine how much the current configuration of the device deviates from the policy represented by the policy configlets.

For example, paragraphs 146-149 of *Wolf* explain how *Wolf* validates that the configuration of deployed devices conform to desired policies. *Wolf* explains that the entire current configuration of a device is reverse-translated into a configlet-based representation (“the

current configuration configlets”). To validate the current configuration of the device, the current configuration configlets are compared against the policy configlets to determine how much the entire current configuration of the device deviates from the policy.

*Wolf* lacks any suggestion of storing past configurations of managed devices. As a result, *Wolf* cannot determine the changes made to a configuration of a managed device.

Instead of identifying configuration changes, in *Wolf*, the entire configuration of the device is indirectly compared against the entire policy, rather than just the particular configuration changes that were made to the configuration of the device. As a result, the approach of *Wolf* (a) does not identify any configuration changes made to the configuration of a device because the **current** configuration of the device is reverse-translated in its entirety, regardless of which portions of the configuration were changed, and (b) does not validate any identified configuration changes. Consequently, *Wolf* cannot possibly disclose, teach, or suggest the element of “a server configured to ...(c) validate identified configuration changes against the configuration policy to determine whether the configuration changes conform to the configuration policy” featured in Claim 1.

As a result of the fundamental differences explained above, numerous elements of Claim 1 are not disclosed, taught, or suggested by *Sandahl* or *Wolf*, either individually or in combination. For example, Claim 1 recites the feature of “a server configured to ...(c) validate identified configuration changes against the configuration policy to determine whether the configuration changes conform to the configuration policy.” The portion of the Office Action cited to show this element (paragraph 29 of *Wolf*) merely states that an embodiment of *Wolf* “also performs verification and reporting to validate that the configurations of deployed devices conform to the desired policies.” Applicant agrees with the Examiner that *Wolf* does teach

verifying the configuration of a deployed device; however, as explained above, *Wolf* verifies the entire configuration of the device, rather than identifying particular configuration changes made to the configuration of the device, and thereafter validating those identified configuration changes against a configuration policy. Thus, *Wolf* cannot possibly disclose, teach, or suggest, “a server configured to ... (c) validate identified configuration changes against the configuration policy to determine whether the configuration changes conform to the configuration policy” as recited in Claim 1.

Consequently, since neither *Sandahl* nor *Wolf* disclose, teach, or suggest this element, even if *Sandahl* and *Wolf* were to be properly combined, the resulting combination would still fail to disclose, teach, or suggest this element. However, as explained below, *Sandahl* and *Wolf* have not been properly combined.

The Office Action states that it would have been obvious to “incorporate the teachings of *Wolf* [into *Sandahl*] because the inventions are analogous art. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by *Wolf* (paragraph 12-13)].” However, notwithstanding the fact that neither *Sandahl* nor *Wolf* disclose or suggest numerous claimed elements, Applicant respectfully submits that there is nothing in either *Sandahl* or *Wolf* that teaches or suggests combining their respective teachings.

As stated in the Federal Circuit decision *In re Dembiczak*, 50 USPQ.2d 1617 (Fed. Cir. 1999), (citing *Gore v. Garlock*, 220 USPQ 303, 313 (Fed. Cir. 1983)), “it is very easy to fall victim to the insidious effect of the hindsight syndrome where that which only the inventor taught is used against its teacher.” *Id.* The Federal Circuit stated in *Dembiczak* “that the best defense against subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or suggestion to combine

prior art references.” *Id.* Thus, the Federal Circuit explains that a proper obviousness analysis requires “***particular factual findings*** regarding the locus of the suggestion, teaching, or motivation to combine prior art references.” *Id.* (emphasis added).

In particular, the Federal Circuit states:

“We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved...although ‘the suggestion more often comes from the teachings of the pertinent references’...The range of sources available, however, does ***not diminish the requirement for actual evidence***. That is, the ***showing must be clear and particular***...Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *Id.* (emphasis added; internal citations omitted).

Neither *Sandahl* or *Wolf* show any suggestion, teaching, or motivation to combine their teachings, nor does the Office Action provide a “clear and particular” showing of the suggestion, teaching, or motivation to combine their teachings. In fact, the only motivation provided in the Office Action is the hindsight observation that by combining features of those references, one may achieve the benefits achieved from the invention as described and claimed in the application. It is respectfully submitted that such a hindsight observation is not consistent with the Federal Circuit’s requirement for “particular factual findings.” While the Office Action cites a portion of *Wolf* that allegedly shows such a motivation, the cited portion of *Wolf* lacks any teaching or motivation to combine *Wolf* with *Sandahl*.

Further, *Sandahl* and *Wolf* cannot be combined without destroying the references. Under MPEP § 2143.02, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

In *Sandahl*, the old configuration for a device is compared against a new configuration for the device to determine the deviation between the new configuration and the old configuration. However, in *Wolf*, a policy is compared against the entire current configuration of a device to determine the deviation between the policy and the entire current configuration. In order to show the features of Claim 1, the Office Action attempts to combine *Sandahl's* comparison of the old configuration with the new configuration with *Wolf's* objective of determining the deviation of a current configuration of a device to a policy. However, if the approach of *Sandahl* were to be combined with *Wolf*, the resulting combination would be rendered inoperable because an entire policy would be compared against only those portions of the current configuration of the device that changed. As a result, the deviation between the policy and the current configuration would actually decrease, instead of increase, as more changes were made to the current configuration. This is so because the *Wolf* teaches that in order to compare a policy to the entire current configuration, the comparison is performed by reverse-translating the current configuration into a device configlet, transforming the policy into a policy configlet, and comparing the device configlet to the policy configlet to determine the deviation therebetween.

Thus, if the device configlet reflects only the changes made to the configuration, rather than the entire configuration, a comparison of the device configlet and the policy configlet would produce an incorrect result because the policy configlet reflects the entire configuration of the device, while the device configlet does not. As a result, if *Sandahl* were to be combined with *Wolf*, the resulting combination would be rendered inoperable. Therefore, *Sandahl* and *Wolf* have not been properly combined, and a rejection of 35 U.S.C. § 103(a) based on an improper combination of *Sandahl* and *Wolf* may not be maintained.



Consequently, for at least the above reasons, it is respectfully submitted that Claim 1 is patentable over the cited art and is in condition for allowance.

#### Claim 7

Independent Claim 7 recites the following features:

A method for actively managing configurable components, comprising:  
maintaining a repository, accessible to a server, that stores information about a configuration policy;  
registering, with the server, each of a plurality of components;  
performing dynamic probing operations to identify configuration changes made to a configuration of each of the plurality of components; and  
**validating, at the server, identified configuration changes against the configuration policy to determine whether the identified configuration changes conform to the configuration policy** (emphasis added).

The above-bolded features of Claim 7 are not disclosed, taught, or suggested by *Sandahl*, *Wolf*, or *Novaes*, either individually or in combination.

As explained above with reference to Independent Claim 1, even if *Sandahl* and *Wolf* were to be properly combined, the resulting combination would fail to disclose, teach, or suggest the element of “validating, at the server, identified configuration changes against the configuration policy to determine whether the identified configuration changes conform to the configuration policy” featured in Claim 7. Further, *Novaes* is only relied upon to teach a repository that has access to a server, so *Novaes* does not cure the deficiencies of either *Sandahl* or *Wolf*. Further, as explained above, *Sandahl* and *Wolf* have not been properly combined. Consequently, as (a) at least one element featured in Claim 7 is not disclosed, taught, or suggested by *Sandahl* and *Wolf*, either individually or in combination, and (b) *Sandahl* and *Wolf* have not been properly combined, it is respectfully submitted that Claim 7 is patentable over the cited art and is in condition for allowance.

#### Claim 14

Independent Claim 14 recites the following features:

A system, comprising:  
a plurality of components, wherein each component, of the plurality of components, comprises a client module for accessing configuration parameters of a configuration of the component;  
a management server which maintains a repository for storing information about a configuration policy; and  
a management console capable of accessing the repository, wherein the management console comprises:  
at least one service interface for retrieving the configuration of a particular component, of the plurality of components, by communicating with the client module associated with the particular component;  
a parser for extracting configuration parameters from each retrieved configuration; and  
**a validator for validating each extracted configuration parameter against the configuration policy (emphasis added).**

The above-bolded features of Claim 14 are not disclosed, taught, or suggested by *Sandahl*, *Wolf*, *Novaes*, and *Teloh*, either individually or in combination.

As explained above with reference to Independent Claim 1, even if *Sandahl* and *Wolf* were to be properly combined, the resulting combination would fail to disclose, teach, or suggest the element of “a validator for validating each extracted configuration parameter against the configuration policy” featured in Claim 14. Further, neither *Novaes* nor *Teloh* is cited to show this claimed feature. Consequently, as (a) at least one element featured in Claim 14 is not disclosed, taught, or suggested by *Sandahl* and *Wolf*, either individually or in combination, and (b) *Sandahl* and *Wolf* have not been properly combined, it is respectfully submitted that Claim 14 is patentable over the cited art and is in condition for allowance.

#### Claim 26

Independent Claim 26 recites the following features:

A method, comprising:

maintaining a repository for storing information about a configuration policy;  
retrieving the configuration of each of a plurality of components by  
communicating with a client module residing at each component of the  
plurality of components;  
extracting, from each configuration retrieved, a set of configuration parameters;  
and  
**validating each extracted configuration parameter against the configuration  
policy** (emphasis added).

The above-underlined features of Claim 26 are not disclosed, taught, or suggested by *Sandahl*, *Wolf*, and *Teloh*, either individually or in combination.

As explained above with reference to Independent Claim 1, even if *Sandahl* and *Wolf* were to be properly combined, the resulting combination would fail to disclose, teach, or suggest the element of “validating each extracted configuration parameter against the configuration policy” featured in Claim 26. Further, *Teloh* is not cited to show this claimed feature. Consequently, as (a) at least one element featured in Claim 26 is not disclosed, taught, or suggested by *Sandahl* and *Wolf*, either individually or in combination, and (b) *Sandahl* and *Wolf* have not been properly combined, it is respectfully submitted that Claim 26 is patentable over the cited art and is in condition for allowance.

Claims 2-5, 8-11, 15-25, 27-37, and 39-49

Claims 2-5, 8-11, 15-25, 27-37, and 39-49 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 2-5, 8-11, 15-25, 27-37, and 39-49 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2-5, 8-11, 15-25, 27-37, and 39-49 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of those limitations is not included at this time. The Applicant reserves the right to

further point out the differences between the cited art and the novel features recited in the dependent claims.

### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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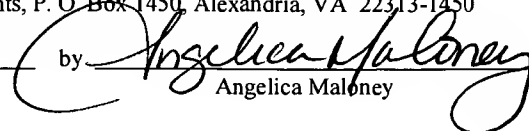
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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on November 7, 2005

by

  
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